

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Natural Resources, to which was referred Senate Bill No. 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 transportation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The auditor of state
- 7 shall establish a special account to be called the "local road and street
- 8 account" and credit this account monthly with forty-five percent (45%)
- 9 of the money deposited in the highway, road and street fund.
- 10 (b) The auditor shall distribute to units of local government money
- 11 from this account each month. **Before making any other distributions**
- 12 **under this chapter, the auditor shall distribute E85 incentive**
- 13 **payments to all political subdivisions entitled to a payment under**
- 14 **section 8 of this chapter.**
- 15 (c) **After distributing E85 incentive payments required under**
- 16 **section 8 of this chapter,** the auditor of state shall allocate to each
- 17 county the **remaining** money in this account on the basis of the ratio
- 18 of each county's passenger car registrations to the total passenger car
- 19 registrations of the state. The auditor shall further determine the
- 20 suballocation between the county and the cities within the county as
- 21 follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account.

SECTION 2. IC 8-14-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 8. (a) As used in this section, "administrator" has the meaning set forth in IC 6-6-1.1-103(a).**

(b) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103(s).

(c) A political subdivision is entitled to a monthly E85 incentive payment under this section of at least seventy-five percent (75%) of the motor fuel purchased by the political subdivision in the preceding calendar month for use in the political subdivision's motor vehicles that may be fueled by E85.

(d) Subject to subsection (h), the amount of a monthly E85 incentive payment to which a political subdivision is entitled under this section is equal to:

(1) the total number of motor vehicles owned by the political subdivision that may be fueled by E85; multiplied by

(2) thirty-three dollars and thirty-three cents (\$33.33).

(e) To claim an E85 incentive payment under this section, a

1 political subdivision must present to the auditor of state a
2 statement that:

3 (1) contains a written verification that the incentive payment
4 claim is made under penalties of perjury; and

5 (2) sets forth:

6 (A) the total number of motor vehicles owned by the
7 political subdivision that may be fueled by E85;

8 (B) the total amount of E85 purchased by the political
9 subdivision in the preceding calendar month for use in a
10 motor vehicle described in clause (A); and

11 (C) the total amount of motor fuel purchased for use in a
12 motor vehicle described in clause (A).

13 (f) The auditor of state may request the administrator to make
14 investigations the auditor of state considers necessary before
15 issuing an E85 incentive payment under this section. The
16 administrator shall provide any assistance requested under this
17 section. Upon the request of the administrator, a political
18 subdivision shall furnish to the administrator sufficient
19 documentation to prove the validity of the information presented
20 under subsection (e).

21 (g) If an E85 incentive payment is not issued within ninety (90)
22 days after filing of the verified statement and all supplemental
23 information required by subsection (f), the auditor of state shall
24 pay interest at the rate established by IC 6-8.1-9 computed from
25 the date of filing of the verified statement and all supplemental
26 information required under this section until a date determined by
27 the auditor of state that does not precede by more than thirty (30)
28 days the date on which the E85 incentive payment is made.

29 (h) A political subdivision is not entitled to an E85 incentive
30 payment for E85 used in a motor vehicle owned by the political
31 subdivision after December 31 of the fifth calendar year of the
32 political subdivision's ownership of the motor vehicle.

33 (i) This section expires January 1, 2015.

34 SECTION 3. [EFFECTIVE JANUARY 1, 2008] (a) IC 8-14-2-8,
35 as added by this act, applies to a political subdivision's purchase of
36 E85 (as defined in IC 6-6-1.1-103(s)) occurring after December 31,
37 2007.

- 1 **(b) A political subdivision may not claim an E85 incentive**
- 2 **payment for any purchase of E85 occurring after December 31,**
- 3 **2014.**

(Reference is to SB 270 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 5, Nays 2.

Senator Jackman, Chairperson